

**WASHINGTON D.C.** – In a response that will be sent by Rep. Darrell Issa (R-CA), the Chairman of the House Committee on Oversight and Government Reform, to Ranking Member Elijah Cummings (D-MD) prior to this morning's committee organizational meeting, Chairman Issa pushed back against the litany of inaccuracies and the revisionist history adopted by Cummings.

"You have expressed concern about two matters: procedures for issuing subpoenas and access to committee records," Chairman Issa wrote to Cummings. "First, to make clear the context of your request, the rules the committee will consider on Tuesday do not make any changes from the previous Congress related to your concerns."

Cummings has asked for a commitment of concurrence with regards to the issuance of a subpoena, citing in his letter "historical practice" of former Chairmen.

Chairman Issa noted to Cummings, "Last Congress, Chairman Edolphus Towns did not continue this practice by making a similar commitment to me as Ranking Member. Under Chairman Towns the majority did, on most occasions, notify me or my staff of their intention to issue a subpoena but would rarely seek or ask for my concurrence. On multiple occasions, subpoenas were issued that either did not seek or ignored input from the minority."

Issa's letter details an example from Friday, September 11, 2009. On this occasion, a member of the Democratic staff succinctly told Republican staff at 4:30 pm:

"This afternoon we are going to serve a subpoena on the Media Ratings Council for documents pertaining to Arbitron's use of the Personal People Meter."<sup>[1]</sup>

Issa notes, "I was not personally notified, consulted, nor did I give my concurrence for the issuance of this subpoena."

In Cummings' letter, he often refers to the Waxman-Davis tenure for precedence, but conveniently omits examples such as March 18, 2005, when then Ranking Member Henry Waxman said of controversial subpoenas issued by Chairman Tom Davis:

"These subpoenas were issued unilaterally by Tom Davis, acting at the request of the Republican leadership. There was no vote and no opportunity to debate the issue in committee."<sup>[2]</sup>

The Chairman also took issue with language Cummings invented and attributed to him, “I furthermore, do not appreciate the mischaracterization of our conversations about appropriate consultation before the issuance of a subpoena. Your letter, supposedly paraphrasing me, states that I intend to exercise my authority “more expansively by issuing subpoenas unilaterally.”<sup>[3]</sup> It adds that I “would not bring any subpoenas before the Committee for a vote.”<sup>[4]</sup> While I was not always consulted about the issuance of subpoenas as Ranking Member, I have clearly and unambiguously told you that I, as Chairman, am committed to doing so going forward.

**I have never stated that I would not bring a subpoena before the committee and would, in fact, seriously consider such a request.”**

Addressing concerns raised by Cummings regarding the sharing of Committee documents and records, Chairman Issa wrote, “I am fully committed to sharing documents and records obtained through official requests of the committee with the minority. The interpretation of House and Committee rules in your letter, however, is extreme and inconsistent with past actions of the committee. Under both Chairman Towns and Chairman Waxman there were numerous occasions when the minority sought and were denied access to information related to committee business.”

One such occasion occurred on August 14, 2008, when the majority staff under Chairman Henry Waxman asked that the minority staff representative **leave the room** as they reviewed White House documents for a possible production.

<sup>[5]</sup>

[Click here for a copy of the letter from Rep. Issa to Rep. Cummings.](#)

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[1] E-mail from John Arlington, Chief Oversight Counsel, H. Comm. on Oversight and Gov't Reform, to Jennifer Safavian, Republican Chief Counsel for Oversight and Investigations, H. Comm. on Oversight and Gov't Reform (Sept. 11, 2009).

[2] Statement of Rep. Henry A. Waxman, Ranking Member, H. Comm. on Gov't Reform (Mar. 18, 2005).

[3] Cummings Letter.

[4] *Id.*

[5] Staff Memo, Republican Comm. Staff, H. Comm. on Oversight and Gov't Reform, Document Review Pertaining to White House Production, Aug. 14, 2008.